

SYLLABUS DE COURS

Intitulé du cours : Minorities and Indigenous People's Rights

Nom de l'enseignant : Sermet

Prénom de l'enseignant : Laurent

Périodicité : Annuel Semestriel (1) Semestriel (2) X

Niveau d'enseignement concerné :

1^{ère} année 2^{ème} année 4^{ème} année Master 1 X

5^{ème} année Master 2 Cours spécifique étudiants internationaux

Conférence de Méthode Cours Magistral

Objectifs pédagogiques du cours :

What are the political tools for a peacefull society ?

Several models seem to be available. None of them is perfect, working as a circular conceptualization :

Unitary model as in France and Turkey

Political federalism (United states) or ethnic federalism (sami people of the Artic)

Balance between political majority and political minority : minority rights

Beyond colonialism : indigenous rights for indigenous people

Out of multiculturalist solution : what model of unity ?

Contenu / descriptif du cours :

I – Minorities rights

- *What is a minority ?*

Lesson from european experience

Beyond cultural minorities (migrants, gender and disabled rights).

- *What are the minority's rights ?*

Article 27 of ICCPR /UN Declaration 1992 /

UN Special Rapporteur on minority issues /

CoE conventions : 1992, 1995

Roma rights in Europe

- *Lessons from France ?*

Conceptualization of refusal of minority's rights

II – Indigenous rights

- *Main UN source of Indigenous rights*

UN Resolution 2007 on *Indigenous people's rights*

UN Special Rapporteur on indigenous issues

- *Main findings of Constitution and regional courts*

South America case law

Africa : customary law in South Africa

Europe : Sami people and European Court of Human rights

- *The Kanak Charter : a case study*

III – An anthropological perspective

- *Legal pluralism*

What is legal pluralism

French overseas perspective on legal pluralism

- *Cultural diversity and Human rights*

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005

UNESCO Convention on Intangible cultural Heritage, 2003 and the Manden Charter

UN Work on traditional values of Humanity 2012

- *Popular forms of law*

Permanent people's tribunal

Indications bibliographiques :

BURGORGUE-LARSEN, Laurence and UBEDA DE TORRES, Amaya_ and Translated by Greenstein, Rosalind

The Inter-American Court of Human Rights

Case Law and Commentary

Oxford University Press, April 2011

GRIFFITHS, John (1986) "What is Legal Pluralism" in *Journal of Legal Pluralism* 24: 1-55.

MOYNIHAN, Daniel Patrick *Pandaemonium: Ethnicity in International Politics* – February 25, 1993

ROULAND, Norbert

L'Anthropologie juridique, Paris, PUF, coll. "Que Sais-Je ?", 2e éd., 1995, 128 p.

Legal Anthropology,. Stanford Univ. Press, Calif.; Athlone, London, 1994. 352 p.

Droit des minorités et des peuples autochtones (with J.Poumarède and S.Pierré-Caps), Paris, PUF, 1996, 400 p.

Anthropological foundations of Human rights, In *Law and Anthropology*, oct. 1999

INSTITUT D'ÉTUDES POLITIQUES D'AIX-EN-PROVENCE

25, rue Gaston de Saporta - 13625 Aix-en-Provence Cedex 1 - Tél. : 04 42 17 01 65 - Fax : 04 42 17 01 99

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